

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.* STATE ENGINEER**

**vs.**

**ROMAN ARAGON, *et al.***

**RIO CHAMA STREAM SYSTEM ADJUDICATION**

**No. 69-cv-07941-MV/KK**

**ADDENDUM TO PROPOSED PARTIAL FINAL JUDGMENT  
AND DECREE ON SURFACE WATER IRRIGATION RIGHTS  
IN THE RITO DE TIERRA AMARILLA SUBSECTION  
OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM**

**BOOK 2**

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In cases where a new party / defendant has been formally substituted under Fed. R. Civ. P. 25 for the defendant named in the individual subfile order filed with the Court, the name of the current party / defendant appears in PART E.

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**PART C. Index of Individual Surface Water Irrigation Rights by Subfile Number**

In cases where a new party / defendant has been formally substituted under Fed. R. Civ. P. 25 for the defendant named in the individual subfile order filed with the Court, the name of the current party / defendant appears in PART E.

# **PART D.**

## **Index of Individual Surface Water Irrigation Rights by Defendant**

**PART D. Index of Individual Surface Water Irrigation Rights by Defendant**

In cases where a new party / defendant has been formally substituted under Fed. R. Civ. P. 25 for the defendant named in the individual subfile order filed with the Court, the name of the current party / defendant appears in PART E.

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# **PART E.**

## **Table Listing Parties Substituted for Original Party / Defendant**

**PART E. Substitution of Parties Following Entry of Individual Subfile Orders.**

The following person (“Current Party / Defendant”) has been formally substituted as a party in the adjudication proceedings under Fed. R. Civ. P. 25 for the person named on the subfile order filed with the Court (“Original Party / Defendant”). Only persons substituted as current parties receive required notices sent by the Court or other parties and may participate in the adjudication proceedings.

<b><u>Subfile No.</u></b>	<b><u>Original Party / Defendant</u></b>	<b><u>Current Party / Defendant</u></b>
CHTA-003-0038	Joann C. Martinez	Gilbert L. Martinez
CHTA-004-0035		

# **PART F.**

## **Ditch Information Summary**

**PART F. Ditch Information Summary.**

The following summary lists technical information on water rights for each of the ditches in the Tierra Amarilla Subsection. This information includes the priority of the water rights under each ditch, the source of water and location of the point of diversion, the total amount of adjudicated irrigated acreage under the ditch, and the PDR of the ditch. Technical information on water rights for a ditch having only lands without irrigation water rights is not included in this summary. The summary does not reflect changes in the use of water (e.g. transfers, if any) that occur after the date of the entry of individual subfile orders.

## **DITCH INFORMATION SUMMARY**

### **BRIGGS DITCH**

Priority: 1887  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,537,097 feet Y=2,069,046 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 35.3 acres  
PDR: 4.38 acre-feet per acre per year\*

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### **ISMAEL ULIBARRI DITCH**

Priority: 1870  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,575,407 feet Y=2,055,003 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 6.4 acres  
PDR: 4.38 acre-feet per acre per year\*

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### **LABRIER DITCH**

Priority: 1870  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,557,135 feet Y=2,064,753 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 36.9 acres  
PDR: 4.38 acre-feet per acre per year\*

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**LUJAN DITCH**

Priority: 1870  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,557,984 feet Y=2,061,823 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 5.9 acres  
PDR: 4.38 acre-feet per acre per year\*

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**MANZANARES DITCH**

Priority: 1887  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,539,568 feet Y=2,069,408 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 12.2 acres  
PDR: 4.38 acre-feet per acre per year\*

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**NUTRITAS DITCH NO. 1**

Priority: 1870  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,562,754 feet Y=2,057,786 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 36.0 acres  
PDR: 4.38 acre-feet per acre per year\*

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**NUTRITAS DITCH NO. 2**

Priority: 1861  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,564,319 feet Y=2,071,785 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 5.6 acres  
PDR: 4.38 acre-feet per acre per year\*

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**SENA DITCH**

Priority: 1870  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,567,050 feet Y=2,052,298 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 90.4 acres  
PDR: 4.38 acre-feet per acre per year\*

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**TIERRA AMARILLA COMMUNITY DITCH**

Priority: 1861  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,557,188 feet Y=2,064,714 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 497.1 acres  
PDR: 4.38 acre-feet per acre per year\*

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**TRUJILLO DITCH**

Priority: 1887  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,541,507 feet Y=2,070,817 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 7.8 acres  
PDR: 4.38 acre-feet per acre per year\*

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**UNNAMED DITCH NO. 1**

Priority: 1870  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,564,505 feet Y=2,055,939 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 9.2 acres  
PDR: 4.38 acre-feet per acre per year\*

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**UNNAMED DITCH NO. 2**

Priority: 1887  
Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.  
Point of Diversion: X=1,541,755 feet Y=2,071,705 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983  
Irrigated Acreage: 20.8 acres  
PDR: 4.38 acre-feet per acre per year\*

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\* Exclusive of diversion requirements associated with stockwatering, stockponds or other impoundments determined to have valid water rights. *See Order Making Final Determination of Irrigation Water Requirements in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System* (Doc. 11316, filed 01/18/18).

# **PART G.**

## **General Orders**

**PART G. General Orders.**

The following orders pertain generally to all subfiles or claims for surface water irrigation rights in the Tierra Amarilla Subsection.

- *Procedural Order for the Adjudication of Water Rights Claims in Section 7 of The Rio Chama Stream System*, filed November 19, 2002 (Docket No.6939).....G-001
- *Notice of Filing of Cross Reference and Index for Individual Subfiles in Section 7, Rito de Tierra Amarilla*, filed March 17, 2011 (Docket No. 10008).....G-009
- *Order Making Final Determination of Priority Dates in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System*, filed June 7, 2011 (Docket No. 10153).....G-011
- *Order granting State’s Motion for Default Judgment Against Unknown Claimants of Interest in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System*, filed January 18, 2018 (Docket No. 11317).....G-015
- *Order Making Final Determination of Irrigation Water Requirements in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System*, filed January 18, 2018 (Docket No. 11316).....G-026

**IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*  
State Engineer**

**Plaintiff,**

**v.**

**RAMON ARAGON, *et al.*,**

**Defendants.**

**69cv07941 JEC-ACE**

**RIO CHAMA STREAM SYSTEM  
Section 7: Tierra Amarilla,  
Rio Brazos, Rutheron & Plaza  
Blanca, Cañones Creek, Village of  
Chama**

**PROCEDURAL ORDER FOR THE ADJUDICATION  
OF WATER RIGHTS CLAIMS IN SECTION 7  
OF THE RIO CHAMA STREAM SYSTEM**

This Order supercedes the interim procedural order entered November 26, 2001 (Docket No. 6414) and is entered by the Special Master pursuant to Fed.R.Civ.P. 16(b) to guide the course of the adjudication of water rights claims for surface water irrigation use in Section 7 of the Rio Chama Stream System (Rito de Tierra Amarilla, Rio Brazos, Rutheron & Plaza Blanca, Cañones Creek, & Village of Chama).

Having considered the comments and suggestions of all interested counsel and acequia representatives, and being fully advised in the premises, it is hereby ordered that the following will govern the course of the adjudication.

**I. JOINDER OF CLAIMANTS -HYDROGRAPHIC SURVEY REPORTS**

A. Claimants identified by the hydrographic survey reports for the Rito de Tierra Amarilla, Rio Brazos, and Rutheron & Plaza Blanca subsections have previously been joined to the adjudication. Claimants identified in the hydrographic survey reports for the two remaining subsections in Section 7 (Cañones Creek and Village of Chama) shall be joined as those surveys are

completed, and within 30 days of the filing of those hydrographic survey reports with the Court. Unidentified and unknown Claimants in all subsections shall be joined by publication after the last hydrographic survey report in Section 7 is completed and filed with the Court.

Water rights claims for surface water irrigation use by the Jicarilla Apache Nation in connection with the Willow Creek Ranch shall not be included in the remaining hydrographic survey reports. These claims shall be investigated separately beginning in May 2003. The hydrographic survey staff of the Office of State Engineer shall contact Mr. Mike Hamman or the current Tribal Water Administrator for the Jicarilla Apache Nation, (505) 747-7910 or 753-0163, to schedule times for field inspection of these claims; and the claims shall be mapped and processed in the same manner as omitted claims. Within 60 days of any field inspection, the State Engineer shall prepare subfile maps showing the location of these claims and shall make those maps available for the inspection by the Jicarilla Apache Nation. The State Engineer shall also make all reasonable efforts to prepare proposed consent orders either recognizing or rejecting those claims prior to September 1, 2003. No filing of a statement of claims by the Jicarilla Apache Nation shall be necessary; however, the deadline for submission of any claims by the Jicarilla Apache Nation shall be the same as for omitted claims in II.C.4 of this Order.

B. Service on known Claimants shall be accomplished by the State of New Mexico *ex rel.* State Engineer ("State"). Claimants who have not previously received a service packet shall be sent a packet by certified mail that includes a Request for Waiver of Service, Notice of Adjudication, Complaint, Form Answer, Notice of Field Office, and a proposed Consent Order. If no Request for Waiver of Service is returned to the State within 60 days, the Claimant shall be personally served with the Summons, Complaint and other information in the packet. Claimants in the Rito de Tierra Amarilla, Rio Brazos and the Rutheron & Plaza Blanca subsections who have previously received

service packets pursuant to the interim procedural order (6414) shall be sent the material omitted in the first mailing (Form Answer, Notice of Field Office) and a copy of this procedural order.

C. Mailing of service packets shall begin within 30 days after known Claimants in each subsection have been joined.

D. Claimants already joined in this suit will receive the Complaint and other information in the packet with the exception of the Request for Waiver of Service.

E. The Notice of Adjudication shall explain the adjudication process, and the Claimant's rights and obligations under this Order, in English and Spanish.

F. The Notice of Field Office shall inform the Claimant of the dates and location of field office sessions for receiving further information or discussing disagreements with the proposed Consent Order. Together with other State personnel, the State Engineer Acequia Liaison will be present at all field office sessions. At their request, Claimants may have the assistance of any technical representative retained by the acequia association during a field office session. Claimants may also have the assistance of their legal counsel and technical representatives at all field office sessions. Field office sessions will be held on three consecutive days, every other week, beginning in April 2003 and continuing into September 2003. The State Engineer may reduce the number or frequency of field office sessions based upon attendance and actual demand. Notice of any changes shall be mailed to all claimants in Section 7 whose rights have not been determined.

G. The State's proposed Consent Order(s) shall set out the amount and location of irrigated acreage, the location of the point of diversion and the purpose of use. The adjudication of irrigation water requirements and ditch-wide priority dates will be initiated by the State following the completion of the individual subfile activity.

## II. RESPONSES

### A. Agreement

1. Claimants who agree with all of the elements of the water rights claims as set out in the proposed Consent Order(s) may sign and return each order to the State. The State shall transmit the signed orders to the Court for approval and filing.

2. A signed and returned Consent Order serves as the Claimant's Answer to the Complaint. As between the State and the Claimant, the Consent Order finally adjudicates the water rights elements contained therein. Each Consent Order is subject to challenge by other Claimants during the *inter se* proceedings, which will be scheduled following the completion of subfile activity.

3. By signing a Consent Order, a claimant does not waive any future claim of right which might arise under the Treaty of Guadalupe Hidalgo. A claimant who signs a Consent Order may, at a later phase of these proceedings, raise the question of the effect on, or the relevance of the Treaty of Guadalupe Hidalgo to, his or her water rights. Questions, claims or issues regarding the Treaty of Guadalupe Hidalgo shall be addressed in a global and unified proceeding to be scheduled after the completion of individual subfile proceedings.

### B. Disagreement

1. Claimants who disagree with any element of the proposed Consent Order shall attend a field office session and discuss the disagreement with State personnel. Good faith participation in field office sessions is required to satisfy the discovery requirements of Rule 26(a)(1)(A) and (B) of the Federal Rules of Civil Procedure. Accordingly, Claimants are required to attend a field office session, and are expected to bring to the field office their documents or other information that supports their position. To the extent possible, the State shall have available at the field office

session the data upon which the Consent Order is based. Information that cannot be maintained at the field office shall be disclosed to the Claimant and made available for examination at the State's offices. If the disagreement can be resolved at the field office, the Claimant shall sign either the original Consent Order or a new Consent Order that incorporates any changes agreed upon. The State shall transmit the signed orders to the Court for approval and filing.

2. Claimants who reject the proposed Consent Order after discussion with the State at a field office session shall file the Form Answer included in the service packet with the Court on or before December 31, 2003, and shall mail a copy of the Answer to the State.

3. An Answer rejecting the State's proposed Consent Order shall include a statement explaining why the Consent Order is objectionable, and a statement that the Claimant made a good faith attempt to resolve the disagreement with the State.

**C. Failure to Respond**

1. A Claimant's failure to attend a scheduled field office session or make other arrangements with the State for a field investigation shall be considered grounds for the entry of a Default Order that incorporates the State's proposed Consent Order, in accordance with criteria set forth in II.C.3 of this Order.

2. A Claimant's failure to sign and return a Consent Order or file an Answer by December 31, 2003 shall be considered grounds for the entry a Default Order which incorporates the State's initial proposed Consent Order.

3. The State shall request the clerk of the Court, under Rule 55(a), to enter the default of Claimants who have failed to sign and return a Consent Order or file an Answer by December 31, 2003. Provided, (1) no default shall be entered against any Claimant who has not been properly served with process or waived such service; (2) no default shall be entered until a Claimant has had

at least 30 days to review a proposed Consent Order or revised proposed Consent Order sent by the State; and (3) no default shall be entered if a Claimant is engaged in good faith negotiation with the State concerning the terms of a proposed Consent Order, unless the State requests in writing that the Claimant file an Answer to the Complaint and the Claimant fails to do so.

4. Persons who claim surface water irrigation rights in Section 7 that were not included in the State's Hydrographic Survey (unidentified and unknown claimants) shall file a Statement of Omitted Claim with the Court no later than December 31, 2003, and send a copy of the Statement to the State.

### **III. STATUS CONFERENCE**

A status and scheduling conference concerning Section 7 will be held in September 2003. Interested counsel of record shall discuss suitable times and location, and inform the Special Master of their preference(s) by mid-July. Counsel for the State shall be prepared to report on the progress of the adjudication of water rights in Section 7 to date, and to discuss further scheduling, including potential hearings in disputed individual subfile proceedings.

### **IV. CHANGE OF ADDRESS OR OWNERSHIP**

All Claimants, whether or not they are represented by counsel, are responsible for informing the Court of any changes in their mailing address or changes in ownership of water rights or real property associated with the rights. The information must be filed with the Court within 30 days of any change, and a copy must be sent to the State.

### **V. *PRO SE* REPRESENTATION**

Claimants who intend to appear and represent themselves shall file a notice with the Court and serve copies on those listed on the Section 7 Distribution List, attached. Thereafter, they will be included on the Section 7 Distribution List and served with pleadings pursuant to Paragraph VI

below. Without such notice, the Court and the parties will assume that a Claimant is represented by counsel for the acequia association with regard to issues having association-wide significance, and which are raised by the association.

## **VI. LIMITS ON SERVICE OF PLEADINGS**

A. This procedural Order shall be served on all Claimants in Section 7 who have not already signed and approved a Consent Order, and all counsel of record who have made an appearance in the adjudication of the Rio Chama Stream System. Subsequent pleadings shall be served only on counsel and other persons identified on the Section 7 Distribution List attached to this Order. Others may apply to the Court for inclusion on the Distribution List, which will be amended accordingly.

B. Service of pleadings and other papers required to be served concerning subfile orders between an individual Claimant and the State shall be limited to the individual Claimant (or counsel for the Claimant) and the State.

C. Service of pleadings and other papers required to be served concerning the entire Section 7 of the Rio Chama Stream System shall be served on those included in the Section 7 Distribution List.

D. Unless otherwise ordered by the Court, parties filing motions of general application shall not be required to determine if their motions are opposed prior to filing the motion. When a motion involves issues or claims limited to a particular Claimant or subfile, the movant shall determine if the motion is opposed before filing.

IT SO ORDERED.

\_\_\_\_\_  
/electronic signature/  
VICKIE L. GABIN, SPECIAL MASTER

**RIO CHAMA SECTION 7  
DISTRIBUTION LIST**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 7, Rito de Tierra Amarilla

**NOTICE OF FILING OF CROSS REFERENCE AND INDEX  
FOR INDIVIDUAL SUBFILES IN SECTION 7, RITO DE TIERRA AMARILLA**

The State of New Mexico on the relation of the State Engineer gives notice of the filing of the attached cross reference and index of the Rito de Tierra Amarilla Subsection adjudication subfile numbering to file numbers assigned by the Office of the State Engineer (OSE) for administrative purposes to individual water uses described in individual subfile orders in the Rito de Tierra Amarilla Subsection. The OSE file numbers in the attached cross reference and index represent the indexing of Rito de Tierra Amarilla Subsection subfile orders as abstracted by the OSE in WATERS (Water Administration Technical Engineering Resource System) and supercedes all previously assigned OSE file numbers, including those described in individual subfile orders entered by the Court, if any.

Dated: March 17, 2011

Respectfully submitted,

/s/ Ed Newville

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Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102

Santa Fe, NM 87504-5102  
(505) 867-7444 telephone  
(505) 867-2299 facimilie

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17th day of March, 2011, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville  
EDWARD G. NEWVILLE

**CROSS REFERENCE AND INDEX OF RIO CHAMA ADJUDICATION  
SUBFILE NUMBERING (RITO DE TIERRA AMARILLA SUBSECTION)  
TO OSE FILE NUMBERS AS ABSTRACTED IN W.A.T.E.R.S.**

<b>Adjudication Subfile Number</b>	<b>Header</b>	<b>OSE File Number</b>	<b>Use Code</b>	<b>Acreage</b>
CHTA-001-0001	A	SD 06383-1	IRR	42.30
CHTA-001-0001	B	SD 06370-2	IRR	2.90
CHTA-001-0001	C	SD 06370-3	IRR	9.20
CHTA-001-0001	D	SD 06370-4	NRT	11.10
CHTA-001-0001	E	SD 06383-6	NRT	9.70
CHTA-001-0002	A	SD 06383-4	IRR	44.10
CHTA-001-0002	B	SD 06370-1	IRR	33.10
CHTA-001-0002	C	SD 06383-7	NRT	74.20
CHTA-001-0003	A	SD 08549-1	IRR	6.40
CHTA-001-0004	A	SD 06369-5	NRT	6.40
CHTA-001-0005	A	SD 06383-5	IRR	4.00
CHTA-002-0001	A	SD 06367-1	IRR	2.30
CHTA-002-0002	A	SD 06367-2	IRR	3.60
CHTA-002-0002	B	SD 06366-1	IRR	27.80
CHTA-002-0002	C	SD 06369-1	NRT	42.00
CHTA-002-0003	A	SD 06369-2	NRT	1.70
CHTA-003-0001	A	SD 06366-2	IRR	9.10
CHTA-003-0001	B	SD 00430-1	NRT	1.50
CHTA-003-0002	A	SD 00430-2	IRR	4.40
CHTA-003-0003	A	SD 00430-3	IRR	1.10
CHTA-003-0004	A	SD 00430-4	IRR	4.10
CHTA-003-0005	A	SD 00430-5	IRR	14.00
CHTA-003-0006	A	SD 00430-6	IRR	17.60
CHTA-003-0007	A	SD 00430-7	IRR	0.50
CHTA-003-0008A	A	SD 00430-137	IRR	0.40
CHTA-003-0008B	A	SD 00430-138	IRR	1.00
CHTA-003-0008C	A	SD 00430-134	IRR	1.00
CHTA-003-0008D	A	SD 00430-141	IRR	4.70
CHTA-003-0008E	A	SD 00430-142	IRR	0.50
CHTA-003-0009	A	SD 00430-9	IRR	11.40
CHTA-003-0010	A	SD 00430-10	IRR	0.90
CHTA-003-0011	A	SD 06379-1	IRR	5.60
CHTA-003-0012A	A	SD 00430-11	IRR	2.60

IRR - Irrigation Right

NRT - No Right Tract

CHTA-003-0012A	B	SD 00430-12	NRT	4.40
CHTA-003-0012B	A	SD 00430-13	IRR	2.10
CHTA-003-0013A	A	SD 00430-126	IRR	2.70
CHTA-003-0013B	A	SD 00430-139	IRR	2.00
CHTA-003-0014A	A	SD 00430-125	NRT	10.50
CHTA-003-0014B	A	SD 00430-128	NRT	0.90
CHTA-003-0015	A	SD 00430-16	IRR	2.50
CHTA-003-0016	A	SD 00430-17	IRR	5.50
CHTA-003-0017	A	SD 00430-18	IRR	3.70
CHTA-003-0018	A	SD 00430-19	IRR	3.30
CHTA-003-0019	A	SD 00430-20	IRR	9.20
CHTA-003-0020	A	SD 00430-21	IRR	4.10
CHTA-003-0020	B	SD 00430-22	IRR	20.90
CHTA-003-0021	A	SD 00430-23	IRR	4.40
CHTA-003-0022	A	SD 00430-24	IRR	1.20
CHTA-003-0023	A	SD 00430-25	IRR	1.20
CHTA-003-0024	A	SD 00430-26	IRR	1.80
CHTA-003-0024	B	SD 00430-27	IRR	0.30
CHTA-003-0024A	A	SD 00430-136	IRR	0.30
CHTA-003-0025	A	SD 00430-28	IRR	2.40
CHTA-003-0026	A	SD 00430-29	NRT	7.50
CHTA-003-0027	A	SD 00430-30	IRR	3.10
CHTA-003-0028	A	SD 00430-31	NRT	0.20
CHTA-003-0029	A	SD 00430-32	NRT	0.80
CHTA-003-0030	A	SD 00430-33	NRT	0.50
CHTA-003-0031	A	SD 00430-34	IRR	0.60
CHTA-003-0032	A	SD 00430-35	IRR	1.00
CHTA-003-0034	A	SD 00430-37	IRR	1.60
CHTA-003-0035	A	SD 00430-38	NRT	0.80
CHTA-003-0036	A	SD 00430-39	IRR	3.20
CHTA-003-0037	A	SD 00430-40	IRR	1.50
CHTA-003-0038	A	SD 00430-41	IRR	5.40
CHTA-003-0039A	A	SD 00430-123	IRR	3.00
CHTA-003-0039B	A	SD 00430-44	NRT	2.80
CHTA-003-0040	A	SD 00430-45	IRR	1.70
CHTA-003-0041	A	SD 00430-46	IRR	1.30
CHTA-003-0042	A	SD 00430-47	IRR	1.40
CHTA-003-0042	B	SD 00430-48	NRT	1.20
CHTA-003-0043	A	SD 00430-49	IRR	8.50
CHTA-003-0043	B	SD 00430-50	NRT	1.70

IRR - Irrigation Right

NRT - No Right Tract

CHTA-003-0044	A	SD 00430-51	IRR	1.60
CHTA-003-0045	A	SD 00430-52	IRR	1.40
CHTA-003-0046	A	SD 00430-53	IRR	3.10
CHTA-003-0047	A	SD 00430-54	IRR	1.70
CHTA-003-0048	A	SD 00430-55	IRR	0.60
CHTA-003-0048	B	SD 00430-120	NRT	2.10
CHTA-003-0049	A	SD 00430-56	IRR	4.00
CHTA-003-0050	A	SD 00430-57	IRR	3.20
CHTA-003-0051	A	SD 00430-58	IRR	0.40
CHTA-003-0051A	A	SD 00430-124	IRR	0.10
CHTA-003-0052	A	SD 00430-59	IRR	0.30
CHTA-003-0052	B	SD 00430-60	NRT	0.20
CHTA-003-0053	A	SD 00430-122	IRR	0.40
CHTA-003-0054	A	SD 00430-117	IRR	1.90
CHTA-003-0054	B	SD 00430-118	IRR	0.40
CHTA-003-0055	A	SD 00430-133	IRR	0.30
CHTA-003-0056	A	SD 00430-143	IRR	0.20
CHTA-003-0057	A	SD 00430-145	IRR	0.10
CHTA-004-0001A	A	SD 00430-61	IRR	1.10
CHTA-004-0001B	A	SD 00430-62	IRR	1.30
CHTA-004-0001C	A	SD 00430-63	IRR	1.30
CHTA-004-0001D	A	SD 00430-64	IRR	1.30
CHTA-004-0001E	A	SD 00430-65	IRR	1.30
CHTA-004-0001F	A	SD 00430-66	IRR	1.30
CHTA-004-0002	A	SD 00430-67	IRR	1.10
CHTA-004-0002	B	SD 00430-67	NRT	0.20
CHTA-004-0003	A	SD 00430-68	IRR	0.03
CHTA-004-0003	B	SD 00430-119	NRT	0.10
CHTA-004-0004	A	SD 00430-69	IRR	0.30
CHTA-004-0004	B	SD 00430-70	NRT	0.20
CHTA-004-0005A	A	SD 00430-71	IRR	1.60
CHTA-004-0005B	A	SD 00430-72	IRR	1.00
CHTA-004-0005C	A	SD 00430-73	IRR	5.80
CHTA-004-0006	A	SD 00430-74	IRR	1.00
CHTA-004-0006A	A	SD 00430-112	IRR	0.20
CHTA-004-0007	A	SD 00430-75	IRR	0.90
CHTA-004-0008	A	SD 00430-76	IRR	4.20
CHTA-004-0009A	A	SD 00430-131	IRR	6.60
CHTA-004-0009B	A	SD 00430-132	IRR	0.20
CHTA-004-0010	A	SD 00430-78	IRR	7.80

IRR - Irrigation Right

NRT - No Right Tract

CHTA-004-0011	A	SD 00430-79	IRR	43.60
CHTA-004-0011	B	SD 00430-80	IRR	0.90
CHTA-004-0011	C	SD 00430-81	NRT	15.50
CHTA-004-0012	A	SD 00430-82	IRR	1.50
CHTA-004-0012A	A	SD 00430-144	IRR	0.20
CHTA-004-0013	A	SD 00430-83	IRR	4.10
CHTA-004-0013A	A	SD 00430-140	IRR	0.50
CHTA-004-0014A	A	SD 00430-121	IRR	2.80
CHTA-004-0014B	A	SD 00430-130	IRR	0.30
CHTA-004-0015	A	SD 00430-85	IRR	5.00
CHTA-004-0016A	A	SD 00430-86	IRR	10.00
CHTA-004-0016B	A	SD 00430-115	IRR	2.70
CHTA-004-0017	A	SD 00430-88	IRR	0.80
CHTA-004-0018	A	SD 00430-89	IRR	4.90
CHTA-004-0019	A	SD 00430-90	IRR	10.10
CHTA-004-0020	A	SD 00430-91	IRR	19.30
CHTA-004-0021A	A	SD 00430-92	IRR	1.20
CHTA-004-0021B	A	SD 00430-116	IRR	0.70
CHTA-004-0021C	A	SD 00430-135	IRR	0.30
CHTA-004-0022	A	SD 00430-93	IRR	3.20
CHTA-004-0023	A	SD 00430-94	IRR	0.30
CHTA-004-0024	A	SD 00430-95	IRR	56.50
CHTA-004-0024	B	SD 00430-96	IRR	0.40
CHTA-004-0025	A	SD 00430-97	IRR	2.30
CHTA-004-0026	A	SD 00430-98	IRR	2.20
CHTA-004-0027A	A	SD 00430-99	IRR	3.10
CHTA-004-0027B	A	SD 00430-100	IRR	6.80
CHTA-004-0028	A	SD 00430-101	IRR	0.70
CHTA-004-0029	A	SD 00430-102	IRR	1.80
CHTA-004-0030	A	SD 00430-113	NRT	409.00
CHTA-004-0031	A	SD 00430-103	IRR	8.50
CHTA-004-0032	A	SD 00430-114	IRR	1.00
CHTA-004-0033	A	SD 00430-105	IRR	1.10
CHTA-004-0034	A	SD 00430-106	IRR	3.60
CHTA-004-0035	A	SD 00430-107	IRR	9.00
CHTA-004-0036	A	SD 00430-108	IRR	13.80
CHTA-004-0037	A	SD 00430-109	IRR	11.70
CHTA-004-0038	A	SD 00430-110	IRR	34.70
CHTA-004-0039A	A	SD 00430-146	IRR	2.40
CHTA-004-0039B	A	SD 00430-129	NRT	7.60

IRR - Irrigation Right

NRT - No Right Tract

CHTA-004-0040	A	SD 00430-127	IRR	3.00
CHTA-005-0001	A	SD 06384-1	IRR	7.80
CHTA-005-0001	B	SD 06385-1	IRR	13.90
CHTA-005-0002	A	SD 06368-1	IRR	12.20
CHTA-005-0002	B	SD 06368-2	IRR	6.90
CHTA-005-0003	A	SD 03169-1	IRR	23.80
CHTA-005-0004	A	SD 03169-2	IRR	11.50
CHTA-005-0005	A	SD 06369-4	NRT	23.10

IRR - Irrigation Right  
NRT - No Right Tract

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 7, Rito de Tierra Amarilla  
Subsection

**ORDER MAKING FINAL DETERMINATION OF  
PRIORITY DATES IN THE RITO DE TIERRA AMARILLA SUBSECTION  
OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM**

THIS MATTER is before the Court on the Motion of the Plaintiff State of New Mexico, *ex rel.*, State Engineer for Order Making Final Determination of Priority Dates in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System (“Tierra Amarilla Subsection”) filed March 23, 2011 (Docket No. 10,009).

The Court, having reviewed the Motion, pertinent portions of the record and the law, and being otherwise fully advised in the premises finds the Motion to be well-taken, and that it should be GRANTED. Further, the Court FINDS that:

Each of the individual subfile defendants in the Tierra Amarilla Subsection, the community ditches in the Tierra Amarilla Subsection and the United States of America have been served with the Court’s Notice and Order to Show Cause in connection with the proposed determination of priority dates in the Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System.

The Court’s Notice and Order to Show Cause has been published in the Rio Grande Sun once

each week for 4 consecutive weeks, the first publication being on the 3<sup>rd</sup> day of June 2010 and the last publication being on 24<sup>th</sup> day of June 2010.

Notice of the proposed determination of priority dates and irrigation water requirements in the Tierra Amarilla Subsection has been provided to all claimants, known and unknown, who may claim or have a right to use the surface waters of the Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System.

The Court's Notice and Order to Show Cause required all claimants who disagree with the State's proposed determinations of the priority date of their water rights and irrigation water requirements to file an objection by July 31, 2010.

Objections to the State's proposed determination of priority dates in the Tierra Amarilla Subsection filed by Colomex Oil and Gas Co. and Lionel Martinez (Nos. 9930, 9914) were dismissed by Order filed January 5, 2011 (No. 9993). No other objections to the State's proposed determination of priority dates in the Tierra Amarilla Subsection were filed with the Court.

Objections to the State's proposed determination of irrigation water requirements in the Tierra Amarilla Subsection (Nos. 9922, 9929) will be addressed separately and at a later date in these proceedings.

There is no just reason for delay of the entry of a final judgment as to priority dates for surface water irrigation use in the Tierra Amarilla Subsection, and the Court enters this Order as a final judgment as to the priority dates of the water rights described herein. This final judgment precludes all persons<sup>1</sup>, known and unknown, who claim a right to use the surface or underground waters of the Rito de Tierra Amarilla Subsection from making any and all objections to the priority dates and

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<sup>1</sup>With the exception of those who timely filed objections to irrigation water requirements (Nos. 9922, 9929)

irrigation water requirements described herein during future *inter se* proceedings.

IT IS THEREFORE ORDERED that the priority dates of the community and private ditches in the Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System, and all individual irrigation water rights served by those ditches, are as set forth below:

DITCH	PRIORITY DATE
Ismael Ulibarri Ditch	1870
Sena Ditch	1870
Nutritas Ditch No. 1	1870
Unnamed Ditch No. 1	1870
Lujan Ditch	1870
Labrier Ditch	1870
Nutritas Ditch No. 2	1861
Tierra Amarilla Community Ditch	1861
Trujillo Ditch	1887
Manzanares Ditch	1887
Unnamed Ditch No. 2	1887
Briggs Ditch	1887

IT IS FURTHER ORDERED that the priority dates in individual subfile orders in the Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System are adjudicated as follows:

A. All individual subfile orders entered by the Court for surface water irrigation use in the Tierra Amarilla Subsection are amended to incorporate in the description of water rights the priority dates described above, as summarized and set forth in the Appendix attached hereto.

B. Any diversion and use of the waters of the Rio Chama Stream System in the Tierra Amarilla Subsection of Section 7 by any defendant except in strict accordance with the water rights described herein is prohibited.

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BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

*Vickie L. Gabin*

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SPECIAL MASTER VICKIE L. GABIN

**APPENDIX TO ORDER MAKING FINAL DETERMINATION  
OF PRIORITY DATES IN THE RITO DE TIERRA AMARILLA SUBSECTION  
OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM**

**ISMAEL ULIBARRI DITCH**

Priority: 1870

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-001-0003	A	6.4	SD 08549-1

**SENA DITCH**

Priority: 1870

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-001-0001	A	42.3	SD 06383-1
CHTA-001-0002	A	44.1	SD 06383-4
CHTA-001-0005	A	4.0	SD 06383-5

**NUTRITAS DITCH NO.1**

Priority: 1870

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-001-0001	B	2.9	SD 06370-2
CHTA-001-0002	B	33.1	SD 06370-1

**UNNAMED DITCH NO. 1**

Priority: 1870

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-001-0001	C	9.2	SD 06370-3

**LUJAN DITCH**

Priority: 1870

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-002-0001	A	2.3	SD 06367-1
CHTA-002-0002	A	3.6	SD 06367-2

**LABRIER DITCH**

Priority: 1870

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-002-0002	B	27.8	SD 06366-1
CHTA-003-0001	A	9.1	SD 06366-2

**NUTRITAS DITCH NO. 2**

Priority: 1861

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-003-0011	A	5.6	SD 06379-1

**TIERRA AMARILLA COMMUNITY DITCH**

Priority: 1861

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-003-0002	A	4.4	SD 00430-2
CHTA-003-0003	A	1.1	SD 00430-3
CHTA-003-0004	A	4.1	SD 00430-4
CHTA-003-0005	A	14.0	SD 00430-5
CHTA-003-0006	A	17.6	SD 00430-6
CHTA-003-0007	A	0.5	SD 00430-7
CHTA-003-0008A	A	0.4	SD 00430-137
CHTA-003-0008B	A	1.0	SD 00430-138
CHTA-003-0008C	A	1.0	SD 00430-134
CHTA-003-0008D	A	4.7	SD 00430-141

CHTA-003-0008E	A	0.5	SD 00430-142
CHTA-003-0009	A	11.4	SD 00430-9
CHTA-003-0010	A	0.9	SD 00430-10
CHTA-003-0012A	A	2.6	SD 00430-11
CHTA-003-0012B	A	2.1	SD 00430-13
CHTA-003-0013A	A	2.7	SD 00430-126
CHTA-003-0013B	A	2.0	SD 00430-139
CHTA-003-0015	A	2.5	SD 00430-16
CHTA-003-0016	A	5.5	SD 00430-17
CHTA-003-0017	A	3.7	SD 00430-18
CHTA-003-0018	A	3.3	SD 00430-19
CHTA-003-0019	A	9.2	SD 00430-20
CHTA-003-0020	A	4.1	SD 00430-21
CHTA-003-0020	B	20.9	SD 00430-22
CHTA-003-0021	A	4.4	SD 00430-23
CHTA-003-0022	A	1.2	SD 00430-24
CHTA-003-0023	A	1.2	SD 00430-25
CHTA-003-0024	A	1.8	SD 00430-26
CHTA-003-0024	B	0.3	SD 00430-27
CHTA-003-0024A	A	0.3	SD 00430-136
CHTA-003-0025	A	2.4	SD 00430-28
CHTA-003-0027	A	3.1	SD 00430-30
CHTA-003-0031	A	0.6	SD 00430-34
CHTA-003-0032	A	1.0	SD 00430-35
CHTA-003-0034	A	1.6	SD 00430-37
CHTA-003-0036	A	3.2	SD 00430-39
CHTA-003-0037	A	1.5	SD 00430-40
CHTA-003-0038	A	5.4	SD 00430-41
CHTA-003-0039A	A	3.0	SD 00430-123
CHTA-003-0040	A	1.7	SD 00430-45
CHTA-003-0041	A	1.3	SD 00430-46
CHTA-003-0042	A	1.4	SD 00430-47
CHTA-003-0043	A	8.5	SD 00430-49
CHTA-003-0044	A	1.6	SD 00430-51
CHTA-003-0045	A	1.4	SD 00430-52
CHTA-003-0046	A	3.1	SD 00430-53
CHTA-003-0047	A	1.7	SD 00430-54
CHTA-003-0048	A	0.6	SD 00430-55
CHTA-003-0049	A	4.0	SD 00430-56
CHTA-003-0050	A	3.2	SD 00430-57
CHTA-003-0051	A	0.4	SD 00430-58
CHTA-003-0051A	A	0.1	SD 00430-124
CHTA-003-0052	A	0.3	SD 00430-59
CHTA-003-0053	A	0.4	SD 00430-122
CHTA-003-0054	A	1.9	SD 00430-117

CHTA-003-0054	B	0.4	SD 00430-118
CHTA-003-0055	A	0.3	SD 00430-133
CHTA-003-0056	A	0.2	SD 00430-143
CHTA-003-0057	A	0.1	SD 00430-145
CHTA-004-0001A	A	1.1	SD 00430-61
CHTA-004-0001B	A	1.3	SD 00430-62
CHTA-004-0001C	A	1.3	SD 00430-63
CHTA-004-0001D	A	1.3	SD 00430-64
CHTA-004-0001E	A	1.3	SD 00430-65
CHTA-004-0001F	A	1.3	SD 00430-66
CHTA-004-0002	A	1.1	SD 00430-67
CHTA-004-0003	A	0.03	SD 00430-68
CHTA-004-0004	A	0.3	SD 00430-69
CHTA-004-0005A	A	1.6	SD 00430-71
CHTA-004-0005B	A	1.0	SD 00430-72
CHTA-004-0005C	A	5.8	SD 00430-73
CHTA-004-0006	A	1.0	SD 00430-74
CHTA-004-0006A	A	0.2	SD 00430-112
CHTA-004-0007	A	0.9	SD 00430-75
CHTA-004-0008	A	4.2	SD 00430-76
CHTA-004-0009A	A	6.6	SD 00430-131
CHTA-004-0009B	A	0.2	SD 00430-132
CHTA-004-0010	A	7.8	SD 00430-78
CHTA-004-0011	A	43.6	SD 00430-79
CHTA-004-0011	B	0.9	SD 00430-80
CHTA-004-0012	A	1.5	SD 00430-82
CHTA-004-0012A	A	0.2	SD 00430-144
CHTA-004-0013	A	4.1	SD 00430-83
CHTA-004-0013A	A	0.5	SD 00430-140
CHTA-004-0014A	A	2.8	SD 00430-121
CHTA-004-0014B	A	0.3	SD 00430-130
CHTA-004-0015	A	5.0	SD 00430-85
CHTA-004-0016A	A	10.0	SD 00430-86
CHTA-004-0016B	A	2.7	SD 00430-115
CHTA-004-0017	A	0.8	SD 00430-88
CHTA-004-0018	A	4.9	SD 00430-89
CHTA-004-0019	A	10.1	SD 00430-90
CHTA-004-0020	A	19.3	SD 00430-91
CHTA-004-0021A	A	1.2	SD 00430-92
CHTA-004-0021B	A	0.7	SD 00430-116
CHTA-004-0021C	A	0.3	SD 00430-135
CHTA-004-0022	A	3.2	SD 00430-93
CHTA-004-0023	A	0.3	SD 00430-94
CHTA-004-0024	A	56.5	SD 00430-95
CHTA-004-0024	B	0.4	SD 00430-96

CHTA-004-0025	A	2.3	SD 00430-97
CHTA-004-0026	A	2.2	SD 00430-98
CHTA-004-0027A	A	3.1	SD 00430-99
CHTA-004-0027B	A	6.8	SD 00430-100
CHTA-004-0028	A	0.7	SD 00430-101
CHTA-004-0029	A	1.8	SD 00430-102
CHTA-004-0031	A	8.5	SD 00430-103
CHTA-004-0032	A	1.0	SD 00430-114
CHTA-004-0033	A	1.1	SD 00430-105
CHTA-004-0034	A	3.6	SD 00430-106
CHTA-004-0035	A	9.0	SD 00430-107
CHTA-004-0036	A	13.8	SD 00430-108
CHTA-004-0037	A	11.7	SD 00430-109
CHTA-004-0038	A	34.7	SD 00430-110
CHTA-004-0039A	A	2.4	SD 00430-146
CHTA-004-0040	A	3.0	SD 00430-127

### **TRUJILLO DITCH**

Priority: 1887

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-005-0001	A	7.8	SD 06384-1

### **MANZANARES DITCH**

Priority: 1887

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-005-0002	A	12.2	SD 06368-1

### **UNNAMED DITCH NO. 2**

Priority: 1887

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-005-0001	B	13.9	SD 06385-1
CHTA-005-0002	B	6.9	SD 06368-2

**BRIGGS DITCH**

Priority: 1887

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-005-0003	A	23.8	SD 03169-1
CHTA-005-0004	A	11.5	SD 03169-2

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,  
Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rito de Tierra Amarilla

**ORDER**

THIS MATTER is before the Court on Plaintiff State of New Mexico, *ex rel.* State Engineer's ("State") *Motion for Default Judgment Against Unknown Claimants of Interest in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System*, Doc. 11274, filed August 31, 2017. The State requests the Court grant judgment by default against Unknown Claimants of Interest to surface waters in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System ("Tierra Amarilla Subsection"), finding that those defendants have no surface water irrigation rights in the Tierra Amarilla Subsection and barring additional claims to surface water irrigation rights by those defendants in these proceedings.

Being fully advised in the premises, the Court finds:

1. The November 19, 2002 Procedural Order for the Adjudication of Water Rights Claims in the Rito de Tierra Amarilla Subsection of the Rio Chama Stream System mandates that any individuals claiming surface water irrigation rights that were not included in the State's Hydrographic Survey (unidentified and unknown claimants) were required to file a Statement of

Omitted Claim with the Court no later than December 31, 2003. *Procedural Order for the Adjudication of Water Rights Claims in Section 7 of the Rio Chama Stream System*, filed November 19, 2002 (Doc. 6939), ¶ II (C)(4).

2. The Court has jurisdiction over Unknown Claimants of Interest to surface water used for irrigation purposes in the Tierra Amarilla Subsection as shown by the *Proof of Publication of Notice of Pendency of Suit* filed March 9, 2005 (Doc. 7782).


3. These Unknown Claimants of Interest are in default for failure to appear, answer, or otherwise defend in this cause, as shown by the *Clerk's Certificate of Default* filed September 29, 2005 (Doc. 8022).

4. No responses to the State's Motion have been filed with the Court.

**IT IS ORDERED, THEREFORE,** that the State's Motion is **GRANTED**.

**IT IS FURTHER ORDERED** that Unknown Claimants of Interest have no surface water irrigation rights in the Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System, and all additional claims to surface waters irrigation rights in the Tierra Amarilla Subsection by Unknown Claimants of Interest are barred from consideration by this Court in these proceedings.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
MARTHA VAZQUEZ  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rito de Tierra Amarilla

**ORDER MAKING FINAL DETERMINATION OF  
IRRIGATION WATER REQUIREMENTS IN  
THE RITO DE TIERRA AMARILLA SUBSECTION OF  
SECTION 7 OF THE RIO CHAMA STREAM SYSTEM**

**THIS MATTER** is before the Court on the *Motion by the State of New Mexico for Order Making Final Determination of Irrigation Water Requirements in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System*, Doc. 11273, filed August 9, 2017 (“*Motion*”).

Having reviewed the *Motion* and with no responses opposing the *Motion* having been filed, the Court will **GRANT** the *Motion*. Further, the Court **FINDS** that:

Each of the individual subfile defendants, the United States and the Commissioners of each Community Ditch in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System (“Tierra Amarilla Subsection”) were served with the Court’s *Notice and Order to Show Cause* in connection with the determination irrigation water requirements in the Tierra Amarilla Subsection.

The Court’s *Notice and Order to Show Cause* was published as required in the Rio Grande

Sun once each week for four (4) consecutive weeks, the first publication being on the 3<sup>rd</sup> day of June, 2010, and the last publication being on the 24<sup>th</sup> day of June, 2010.

Notice of the State's proposed determination of irrigation water requirements in the Tierra Amarilla Subsection has been provided to all claimants, known and unknown, who may claim or have a right to use the surface waters or underground waters of the Tierra Amarilla Subsection.

The Court's Notice and Order to Show Cause required all claimants who disagree with the proposed determination of the irrigation water requirements in the Tierra Amarilla Subsection, to file an objection by July 31, 2010.

The Tierra Amarilla Community Ditch and the Asociación de Acéquias Norteñas de Rio Arriba have withdrawn their objections to the State's proposed determination of the irrigation water requirements in the Tierra Amarilla Subsection. *Motion* at 3, Ex. 1.

The Chama Valley Independent School District No. 19 has withdrawn its objections to the State's proposed determination of the irrigation water requirements in the Tierra Amarilla Subsection. *Motion* at 3, Ex. 2.

Objections filed by Colomex Oil and Gas Co. (Doc. 9914, filed July 22, 2010) and Lionel Martinez (Doc. 9930, filed August 4, 2010) were dismissed by the Court in an order dated January 5, 2011 (Doc. 9993).

No other objections to the proposed determination of the irrigation water requirements in the Tierra Amarilla Subsection were filed with the Court.

There is no just reason for delay of the entry of a final judgment as to the irrigation water requirements in the Tierra Amarilla Subsection, and the Court enters this Order as a final judgment as to the irrigation water requirements of the water rights described herein. This final judgment precludes all persons, known and unknown, who claim a right to use the surface or

underground waters of the Tierra Amarilla Subsection from making any and all objections to the irrigation water requirements described herein during future *inter se* proceedings.

**IT IS THEREFORE ORDERED** that the irrigation water requirements for surface water irrigation use in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System are as set forth below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.05 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.63 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.38 acre-feet per acre per annum.

The term “Consumptive Irrigation Requirement” (“CIR”) refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term “Farm Delivery Requirement” (“FDR”) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The “Project Diversion Requirement” (“PDR”) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockwatering, stockponds, or other impoundments determined to have valid water rights in these proceedings.

**IT IS FURTHER ORDERED** that the amount of water for surface water irrigation use described in individual subfile orders in the Rito de Tierra Amarilla Subsection of Section 7 of the

Rio Chama Stream System are adjudicated as follows:


A. All individual subfile orders entered by the Court for surface water irrigation use in the Tierra Amarilla Subsection are amended to incorporate in the description of water rights the irrigation water requirements described above, as summarized and set forth in the Appendix attached hereto.

B. For all water rights involving surface water delivered from a ditch for irrigation purposes, the amount of water shall not exceed 4.38 acre-feet per acre per annum diverted by the ditch from the surface source, or 2.63 acre-feet per acre per annum delivered to the farm headgate, or a beneficial consumptive use of 1.05 acre-feet per acre per annum.

C. Any diversion and use of the waters of the Rio Chama Stream System in the Rio Tierra Amarilla Subsection by any defendant except in strict accordance with the water rights described herein is prohibited.

**IT IS FURTHER ORDERED** that the determination of the irrigation water requirements (CIR, FDR, PDR) in the Tierra Amarilla Subsection shall not be construed to limit the authority of the state engineer or the water master duly appointed by the state engineer under NMSA 1978, Sections 73-3-2 through 73-3-5 and rules promulgated pursuant to NMSA 1978, Section 72-2-9.1, including Specific Duties of a Water Master under 19.25.13.17 NMAC.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
**MARTHA VAZQUEZ**  
**UNITED STATES DISTRICT JUDGE**

**APPENDIX TO ORDER MAKING FINAL DETERMINATION  
OF IRRIGATION WATER REQUIREMENTS IN THE  
RITO DE TIERRA AMARILLA SUBSECTION OF  
SECTION 7 OF THE RIO CHAMA STREAM SYSTEM**

**ISHMAEL ULIBARRI DITCH**

Priority: 1870

An amount of water not to exceed:

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-001-0003	A	6.4	SD 08549-1

**SENA DITCH**

Priority: 1870

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-001-0001	A	42.3	SD 06383-1
CHTA-001-0002	A	44.1	SD 06383-4
CHTA-001-0005	A	4.0	SD 06383-5

**NUTRITAS DITCH NO.1**

Priority: 1870

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-001-0001	B	2.9	SD 06370-2
CHTA-001-0002	B	33.1	SD 06370-1

### **UNNAMED DITCH NO. 1**

Priority: 1870

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-001-0001	C	9.2	SD 06370-3

### **LUJAN DITCH**

Priority: 1870

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-002-0001	A	2.3	SD 06367-1
CHTA-002-0002	A	3.6	SD 06367-2

### **LABRIER DITCH**

Priority: 1870

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-002-0002	B	27.8	SD 06366-1
CHTA-003-0001	A	9.1	SD 06366-2

**NUTRITAS DITCH NO. 2**

Priority: 1861

a CIR of 1.05 acre-feet per acre per annum, or  
 a FDR of 2.63 acre-feet per acre per annum, or  
 a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-003-0011	A	5.6	SD 06379-1

**TIERRA AMARILLA COMMUNITY DITCH**

Priority: 1861

a CIR of 1.05 acre-feet per acre per annum, or  
 a FDR of 2.63 acre-feet per acre per annum, or  
 a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-003-0002	A	4.4	SD 00430-2
CHTA-003-0003	A	1.1	SD 00430-3
CHTA-003-0004	A	4.1	SD 00430-4
CHTA-003-0005	A	14.0	SD 00430-5
CHTA-003-0006	A	17.6	SD 00430-6
CHTA-003-0007	A	0.5	SD 00430-7
CHTA-003-0008A	A	0.4	SD 00430-137
CHTA-003-0008B	A	1.0	SD 00430-138
CHTA-003-0008C	A	1.0	SD 00430-134
CHTA-003-0008D	A	4.7	SD 00430-141
CHTA-003-0008E	A	0.5	SD 00430-142
CHTA-003-0009	A	11.4	SD 00430-9
CHTA-003-0010	A	0.9	SD 00430-10
CHTA-003-0012A	A	2.6	SD 00430-11
CHTA-003-0012B	A	2.1	SD 00430-13
CHTA-003-0013A	A	2.7	SD 00430-126
CHTA-003-0013B	A	2.0	SD 00430-139
CHTA-003-0015	A	2.5	SD 00430-16
CHTA-003-0016	A	5.5	SD 00430-17
CHTA-003-0017	A	3.7	SD 00430-18
CHTA-003-0018	A	3.3	SD 00430-19
CHTA-003-0019	A	9.2	SD 00430-20
CHTA-003-0020	A	4.1	SD 00430-21

CHTA-003-0020	B	20.9	SD 00430-22
CHTA-003-0021	A	4.4	SD 00430-23
CHTA-003-0022	A	1.2	SD 00430-24
CHTA-003-0023	A	1.2	SD 00430-25
CHTA-003-0024	A	1.8	SD 00430-26
CHTA-003-0024	B	0.3	SD 00430-27
CHTA-003-0024A	A	0.3	SD 00430-136
CHTA-003-0025	A	2.4	SD 00430-28
CHTA-003-0027	A	3.1	SD 00430-30
CHTA-003-0031	A	0.6	SD 00430-34
CHTA-003-0032	A	1.0	SD 00430-35
CHTA-003-0034	A	1.6	SD 00430-37
CHTA-003-0036	A	3.2	SD 00430-39
CHTA-003-0037	A	1.5	SD 00430-40
CHTA-003-0038	A	5.4	SD 00430-41
CHTA-003-0039A	A	3.0	SD 00430-123
CHTA-003-0040	A	1.7	SD 00430-45
CHTA-003-0041	A	1.3	SD 00430-46
CHTA-003-0042	A	1.4	SD 00430-47
CHTA-003-0043	A	8.5	SD 00430-49
CHTA-003-0044	A	1.6	SD 00430-51
CHTA-003-0045	A	1.4	SD 00430-52
CHTA-003-0046	A	3.1	SD 00430-53
CHTA-003-0047	A	1.7	SD 00430-54
CHTA-003-0048	A	0.6	SD 00430-55
CHTA-003-0049	A	4.0	SD 00430-56
CHTA-003-0050	A	3.2	SD 00430-57
CHTA-003-0051	A	0.4	SD 00430-58
CHTA-003-0051A	A	0.1	SD 00430-124
CHTA-003-0052	A	0.3	SD 00430-59
CHTA-003-0053	A	0.4	SD 00430-122
CHTA-003-0054	A	1.9	SD 00430-117
CHTA-003-0054	B	0.4	SD 00430-118
CHTA-003-0055	A	0.3	SD 00430-133
CHTA-003-0056	A	0.2	SD 00430-143
CHTA-003-0057	A	0.1	SD 00430-145
CHTA-004-0001A	A	1.1	SD 00430-61
CHTA-004-0001B	A	1.3	SD 00430-62
CHTA-004-0001C	A	1.3	SD 00430-63
CHTA-004-0001D	A	1.3	SD 00430-64
CHTA-004-0001E	A	1.3	SD 00430-65
CHTA-004-0001F	A	1.3	SD 00430-66
CHTA-004-0002	A	1.1	SD 00430-67
CHTA-004-0003	A	0.03	SD 00430-68
CHTA-004-0004	A	0.3	SD 00430-69
CHTA-004-0005A	A	1.6	SD 00430-71

CHTA-004-0005B	A	1.0	SD 00430-72
CHTA-004-0005C	A	5.8	SD 00430-73
CHTA-004-0006	A	1.0	SD 00430-74
CHTA-004-0006A	A	0.2	SD 00430-112
CHTA-004-0007	A	0.9	SD 00430-75
CHTA-004-0008	A	4.2	SD 00430-76
CHTA-004-0009A	A	6.6	SD 00430-131
CHTA-004-0009B	A	0.2	SD 00430-132
CHTA-004-0010	A	7.8	SD 00430-78
CHTA-004-0011	A	43.6	SD 00430-79
CHTA-004-0011	B	0.9	SD 00430-80
CHTA-004-0012	A	1.5	SD 00430-82
CHTA-004-0012A	A	0.2	SD 00430-144
CHTA-004-0013	A	4.1	SD 00430-83
CHTA-004-0013A	A	0.5	SD 00430-140
CHTA-004-0014A	A	2.8	SD 00430-121
CHTA-004-0014B	A	0.3	SD 00430-130
CHTA-004-0015	A	5.0	SD 00430-85
CHTA-004-0016A	A	10.0	SD 00430-86
CHTA-004-0016B	A	2.7	SD 00430-115
CHTA-004-0017	A	0.8	SD 00430-88
CHTA-004-0018	A	4.9	SD 00430-89
CHTA-004-0019	A	10.1	SD 00430-90
CHTA-004-0020	A	19.3	SD 00430-91
CHTA-004-0021A	A	1.2	SD 00430-92
CHTA-004-0021B	A	0.7	SD 00430-116
CHTA-004-0021C	A	0.3	SD 00430-135
CHTA-004-0022	A	3.2	SD 00430-93
CHTA-004-0023	A	0.3	SD 00430-94
CHTA-004-0024	A	56.5	SD 00430-95
CHTA-004-0024	B	0.4	SD 00430-96
CHTA-004-0025	A	2.3	SD 00430-97
CHTA-004-0026	A	2.2	SD 00430-98
CHTA-004-0027A	A	3.1	SD 00430-99
CHTA-004-0027B	A	6.8	SD 00430-100
CHTA-004-0028	A	0.7	SD 00430-101
CHTA-004-0029	A	1.8	SD 00430-102
CHTA-004-0031	A	8.5	SD 00430-103
CHTA-004-0032	A	1.0	SD 00430-114
CHTA-004-0033	A	1.1	SD 00430-105
CHTA-004-0034	A	3.6	SD 00430-106
CHTA-004-0035	A	9.0	SD 00430-107
CHTA-004-0036	A	13.8	SD 00430-108
CHTA-004-0037	A	11.7	SD 00430-109
CHTA-004-0038	A	34.7	SD 00430-110
CHTA-004-0039A	A	2.4	SD 00430-146

CHTA-004-0040                      A                      3.0                      SD 00430-127

### **TRUJILLO DITCH**

Priority:            1887

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-005-0001	A	7.8	SD 06384-1

### **MANZANARES DITCH**

Priority:            1887

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-005-0002	A	12.2	SD 06368-1

### **UNNAMED DITCH NO. 2**

Priority:            1887

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-005-0001	B	13.9	SD 06385-1
CHTA-005-0002	B	6.9	SD 06368-2

### **BRIGGS DITCH**

Priority:            1887

a CIR of 1.05 acre-feet per acre per annum, or  
a FDR of 2.63 acre-feet per acre per annum, or  
a PDR of 4.38 acre-feet per acre per annum.

<u>Subfiles</u>	<u>Header</u>	<u>Acres</u>	<u>OSE File Number</u>
CHTA-005-0003	A	23.8	SD 03169-1
CHTA-005-0004	A	11.5	SD 03169-2

# **PART H.**

## **Hydrographic Survey Sheet Maps**

**PART H. Hydrographic Survey Sheet Maps**

Please see large format maps included with this Addendum and marked “PART H.”

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.* STATE  
ENGINEER**

**vs.**

**ROMAN ARAGON, *et al.***

**RIO CHAMA STREAM SYSTEM ADJUDICATION  
No. 69-cv-07941-MV/KK**

**ADDENDUM TO PROPOSED  
PARTIAL FINAL JUDGMENT AND  
DECREE ON SURFACE WATER  
IRRIGATION RIGHTS IN THE RITO  
DE TIERRA AMARILLA  
SUBSECTION OF SECTION 7 OF THE  
RIO CHAMA STREAM SYSTEM**

**IN THE UNITED STATES  
DISTRICT COURT  
FOR THE DISTRICT OF  
NEW MEXICO**

**STATE OF NEW MEXICO,  
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**RIO CHAMA STREAM  
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**ADDENDUM TO  
PROPOSED  
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JUDGMENT AND  
DECREE ON  
SURFACE WATER  
IRRIGATION  
RIGHTS IN THE  
RITO DE TIERRA  
AMARILLA  
SUBSECTION OF  
SECTION 7 OF THE  
RIO CHAMA  
STREAM SYSTEM**